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20 AUG 2007

In re Application of	:	
May	:	
Application No.: 10/529,326	:	DECISION
PCT No.: PCT/EP03/10634	:	
Int. Filing Date: 24 September 2003	:	ON
Priority Date: 25 September 2002	:	
Attorney Docket No.: 119508-00282	:	PETITION
For: Torque Signal Transmission	:	

This is in response to the renewed petition under 37 CFR 1.47(b) filed on 04 June 2007.

DISCUSSION

In a Decision mailed on 02 April 2007, the petition under 37 CFR 1.47(b) filed on 26 December 2006 was dismissed without prejudice because

Regarding **requirement (2)**, petitioner has provided a copy of a letter to Mr. May, dated 24 August 2005, referring to an assignment, declaration and "file portions" including the "submitted application text." However, further inspection of said letter indicates that it is directed to application no. 10/482,002. As such, it does not show that Mr. May was presented with an oath or declaration and a complete copy of the application papers for *this* case, as opposed to 10/482,002. Rather, it appears that petitioner inadvertently provided a letter directed to the other case. Therefore, requirement (2) has not been satisfied.

In response, petitioner now provides a "Declaration of Dr. Alexander Straus" dated 30 May 2007. Dr. Straus asserts that "application papers" for, *inter alia*, international application PCT/EP03/10634 were transmitted to Lutz May on 24 August 2005. Dr. Straus does not state whether this assertion is made on the basis of personal recollection, or whether the facts recounted are supported by documentary records made contemporaneously with the mailing of the papers. Moreover, it is not clear whether the referenced "application papers" refer to a complete copy of the application in question. Additionally, it is still not clear whether Mr. May was presented with an oath or declaration document directed to this specific application. For these reasons, it still would not be appropriate to conclude, on the basis of the present record, that requirement (2) has been satisfied within the meaning of 37 CFR 1.47(b).

DECISION

The petition under 37 CFR 1.47(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request

should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b)." No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, P.O. Box 1450, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the PCT Legal Office.



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Draft Petition Decision

Serial No.

10/529, 326

Date of Draft

(20 AUG 07)

Legal Examiner

George Dombroske

Conferee Approval

Petitions Book Nos.

Petitions Log Book No.

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☐ Charge Account No.

Fee

Code

Fee

Code

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Code

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☐ Granted

☒ Dismissed